

TOBACCO CONTROL BOARD MEETING MINUTES

JULY 1, 2004

The Tobacco Control Board met on Thursday, July 1, 2004, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 6 - board members present – Dr. Neal Beaton, Mr. Mark Carter, Mr. John Hauge, Ken Milburn, Jr., Mr. Vince Macy, and Mr. Ron Rivers, and 2 – Board member absent – Dr. Cliff Johnson and Mr. Gene McKissic.

The Chairman opened the meeting with a "Welcome" to those attending. He introduced Mr. Charlie Moulton, serving as Hearing Officer, and Ms. Fan Dozier, as Court Reporter. Mr. Milburn turned the meeting over to Mr. Moulton to conduct the Disciplinary Hearing segment of the agenda. Mr. Moulton called the following cases before the Board:

Default Judgment List dated 7/1/04

Attorney for the Board, Mr. Roland Darrow read the Default List off with no one in attendance.

A motion was made and approved to find those listed in default, issue a maximum penalty on all Sales to Minors cases, and levy the recommended fines on all other cases with 6 – Yes votes and 2 – Members absent.

Case #2004-1281 Wal-Mart Fort Smith, AR
Permit #8186-01
Jeff Hightower, Store Manager

VIOLATIONS: §5-27-227(a)(1) Sale to Minor, 2nd Offense, \$200
fine and 1-day suspension of
permit.

The business was represented by Mr. Cliff McKinney, Attorney for Wal-Mart.

After testimony and discussion a motion was made and approved to find Wal-Mart in violation of §5-27-227(a)(1), fine them \$300.00 and not suspend their permit. The motion was approved with 5 – Yes votes, 1 – Abstention, and 2 –Members absent.

Case 2004-1072 Fast Trax #4 Fayetteville, AR
Permit #3819-01
Lori Sismore

VIOLATION: §5-27-227(a)(1) Sale to Minor, 2nd Offense, \$200
fine, and 1-day suspension.

There was no one present to represent Fast Trax #4.

After hearing the facts of the case and board member discussion a motion was made and approved to find Fast Trax #4 in Fayetteville in violation of §5-27-227(a)(1), levy a penalty of a \$500 fine, and 2-day suspension of permit with 6 – Yes votes, and 2-Members absent.

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The Disciplinary Hearing segment of the meeting was concluded and Mr. Moulton turned the meeting back over to the Chairman, Mr. Ken Milburn, who asked for approval of the June 2, 2004, Collaborative Legislative Group meeting minutes, and June 3, 2004, board meeting minutes. Approval was given with 6 – Yes votes and 2 – Members absent.

The Director, Mr. Charlie Davis, continued by presenting a list of New Retail Permit Applications and asked for approval of “New Retail Permit applications issued from June 3, 2004, through June 29, 2004”. A motion was made and approved to that effect with 6 – Yes votes and 2 – Members absent.

Next Mr. Davis reviewed and asked for a blanket approval of the “Offers of Settlement accepted by the permittee from June 3, 2004, through June 30, 2004”. A motion was made and approved to accept the “Offers of Settlement accepted by the Permittee from June 3, 2004, through June 30, 2004”, as recommended by the Director, with 6 – Yes votes and 2 – Members absent.

The Chairman asked the Director to continue with his “Address to the Board”. He stated there were no complaints reports. The information was being entered into the computer in a different way. It will take another month or so for this to be sorted out so the information being reported is correct.

He called upon Mr. Greg Sled, Enforcement Agent Supervisor, to review the activity of the enforcement agents.

The agency office will be closed on Monday, July 5th for the 4th of July Holiday.

Mr. Arnie Jochums, Attorney for the Board, gave a “Court Update”.

Mr. John Hauge and Mr. Walter Skelton, acting Chairman of the Collaborative Legislative Group, gave an update on the meeting held Wednesday, June 30, 2004, at 1:00 p.m. The next tentative meeting date will be Wednesday, August 4, 2004.

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Mr. Milburn then opened the floor to “Board Member Discussion” followed by “Comments from the Audience”.

Announcements included the next meeting date of August 5 , 2004.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by _____
Janis L. Campbell

July 8, 2004